

by electronic mail at RMA533@wdc.fsa.usda.gov;

(2) State that it is being submitted under section 506(s) of the Act;

(3) Identify and quote the specific provision in the Act or regulations for which a final agency determination is requested;

(4) State the crop year for which the interpretation is sought;

(5) State the name, address, and telephone number of a contact person affiliated with the request; and

(6) Contain the requester's detailed interpretation of the regulation.

(b) The requestor must advise FCIC if the request for a final agency determination will be used in a lawsuit or the settlement of a claim.

(c) Each request for final agency determination under this subpart must contain no more than one request for an agency interpretation.

[63 FR 70313, Dec. 21, 1998, as amended at 64 FR 50246, Sept. 16, 1999]

§ 400.768 FCIC obligations.

(a) FCIC will not interpret any specific factual situation or case, such as actions of any participant under the terms of a policy or any reinsurance agreement.

(b) If, in the sole judgement of FCIC, the request is unclear, ambiguous, or incomplete, FCIC will not provide an interpretation, but will notify the requester that the request is unclear, ambiguous or incomplete, within 30 days of such request.

(c) FCIC will provide a final determination of the interpretation to a request that meets all the conditions stated herein to the requester in writing, and at FCIC's discretion in the format in which it was received, within 90 days of the date of receipt by FCIC.

(d) If a requestor is notified that a request is unclear, ambiguous or incomplete under section 400.768(b), the time to respond will be tolled from the date FCIC notifies the requestor until the date that FCIC receives a clear, complete, and unambiguous request.

(e) If a response is not provided within 90 days, the requestor may assume the interpretation provided is correct for the applicable crop year.

(f) All agency final determinations will be published by FCIC as specially

numbered documents on the RMA Internet website.

(g) All final agency determinations are considered matters of general applicability that are not appealable to the National Appeals Division. Before obtaining judicial review of any final agency determination, the person must obtain an administratively final determination from the Director of the National Appeals division on the issue of whether the final agency determination is a matter of general applicability.

PART 401—GENERAL CROP INSURANCE REGULATIONS; REGULATIONS FOR THE 1988 THROUGH 1998 CONTRACT YEARS

Sec.

401.1 Applicability.

401.2 Availability of Federal crop insurance.

401.3 Premium rates, production guarantees or amounts of insurance, coverage levels, and prices at which indemnities shall be computed.

401.4 OMB control numbers.

401.5 Creditors.

401.6 Good faith reliance on misrepresentation.

401.7 The contract.

401.8 The application and policy.

401.9–401.100 [Reserved]

401.101 Wheat endorsement.

401.102 The winter coverage option for wheat.

401.103 Barley endorsement.

401.104 Winter coverage option for barley.

401.105 Oat endorsement.

401.106 Rye endorsement.

401.107 Late planting agreement option.

401.108 Prevented planting endorsement.

401.109 Hybrid sorghum seed endorsement.

401.110 Almond endorsement.

401.111 Corn endorsement.

401.112 Corn silage option.

401.113 Grain sorghum endorsement.

401.114 Canning and processing tomato endorsement.

401.115 Texas citrus endorsement.

401.116 Flaxseed endorsement.

401.117 Soybean endorsement.

401.118 Canning and processing bean endorsement.

401.119 Cotton endorsement.

401.120 Rice endorsement.

401.121 ELS cotton endorsement.

401.122 Stonefruit endorsement.

401.123 Safflower seed crop endorsement.

401.124 Sunflower seed crop endorsement.

401.125 Fig endorsement.

401.126 Onion endorsement.

401.127 Cranberry endorsement.